

AMENDMENT UNDER 37 C.F.R. § 1.111
USSN: 10/074,000

Q68412

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has added new claims 17-22. Thus, claims 1-16 are now pending in the application.

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the Examiner maintains that claims 1, 7, 10 and 11 recite limitations which do not have an antecedent basis. By this Amendment, Applicant has amended the claims to improve clarity and rewritten claims 12 and 13 in independent form. Accordingly, the Examiner is requested to remove the § 112, second paragraph, rejection.

Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-16 of co-pending Application No. 10/466,058. Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-20 of co-pending Application No. 10/073,950. According to MPEP 804(I)(B), if a provisional double patenting rejection in one application is the only rejection remaining, then the Examiner should withdraw the provisional rejection and permit that application to issue as a patent, thereby converting the *provisional* double patenting rejection in the other application into a *bona fide* double patenting rejection at the time the one application issues as a patent. According to our records and the USPTO website, Application No. 10/466,058 has not received an action on the merits and Application No. 10/073,950 is rejected on prior art grounds. Therefore, the Examiner is requested withdraw the provisional double patenting rejection and allow the present application to issue.

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By this Amendment, Applicant has added new dependent claims 17-22 in order to further define the claimed invention. Applicant submits that these claims should be allowable at least by virtue of their dependencies on the original claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Kipp
Registration No. 41,157

SUGFRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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